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11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

13 **ROBBYE RAY ANDERSON,**

14 Petitioner,

15 v.

16 **M. MARTEL, Warden, et al.,**

17 Respondent.
18

08-1031 W (AJB)

REQUEST FOR ENLARGEMENT OF
TIME TO FILE ANSWER TO THE
PETITION FOR WRIT OF HABEAS
CORPUS; DECLARATION

19 LILIA E. GARCIA declares under penalty of perjury:

20 Declarant is the deputy assigned to prepare the Answer to the instant Petition for Writ of
21 Habeas Corpus. The Answer is due **August 28, 2008**. Respondent has not been granted any prior
22 extensions of time to file the Answer.

23 For the reasons stated, declarant respectfully requests the Court grant a 60 day enlargement
24 of the filing deadline to **November 7, 2008**:

25 Declarant has not been able to commence work on the Answer to the habeas petition for
26 the following reasons:

27 During the last 60 days, declarant has worked on six state respondent's briefs and an
28 answer to a federal habeas petition. Those cases had been assigned prior to the instant case and were

1 on extension of time. In addition, declarant completed supplemental briefing in two cases: *People*
2 *v. Segade*, E039208 (filed 7/21/08) and *People v. Tovar*, G040052. (filed 07/23/08).

3 Declarant is currently completing work on appellee's/respondent's brief to be filed in
4 the Ninth Circuit Court of Appeals in *Skoor v. Tilton*, 08-55261, on a second extension of time and
5 due September 9, 2008.

6 Declarant will be out of the office on a three-week preplanned and prepaid vacation
7 commencing September 9, 2008 through September 26, 2008. She will not be able to commence
8 work on the instant matter until after her return to the office on September 29, 2008. Therefore,
9 declarant requests a 60 day extension to **November 7, 2008**.

10 Declarant will not be able to immediately commence work on the instant case when she
11 returns to the office on September 29, because she must first complete two state respondent's briefs,
12 which are already on extension of time and due October 6 and October 10, 2008, respectively.
13 Declarant will also need to complete an Answer to a federal habeas petition for which an extension
14 of time has been granted, and which was assigned to declarant prior to the instant case. A 60-day
15 extension of time will allow declarant to fully address Petitioner's claim and provide sufficient time
16 for supervisory review and allow support staff to prepare and process the brief for filing.

17 In addition to the instant case, declarant is also the deputy assigned responsibility for
18 preparing respondent briefs in three other cases, and an answer to a federal habeas petition for writ
19 of habeas corpus. Declarant also supervises a team of six attorneys, assigns cases and reviews all
20 written legal pleadings and briefs of the attorneys.

21 Petitioner is serving a sentence of ten years for various narcotic convictions.

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1 Accordingly, for the reasons stated, declarant respectfully requests an extension of time
2 to be granted to **November 7, 2008**, to file the Answer to the Second Amended Petition.

3 I declare under penalty of perjury that the foregoing is true and correct.

4 Dated: September 5, 2008

5 Respectfully submitted,

6 EDMUND G. BROWN JR.
Attorney General of the State of California

7 DANE R. GILLETTE
Chief Assistant Attorney General

8 GARY W. SCHONS
9 Senior Assistant Attorney General

10 /S/ LILIA E. GARCIA

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12 LILIA E. GARCIA
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14 Attorneys for Respondent

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CERTIFICATE OF SERVICE BY U.S. MAIL

Case Name: **Anderson v. Martel**

No.: **08-1031 W (AJB)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On September 8, 2008, I served the following documents: **REQUEST FOR ENLARGEMENT OF TIME TO FILE ANSWER TO THE PETITION FOR WRIT OF HABEAS CORPUS; DECLARATION**

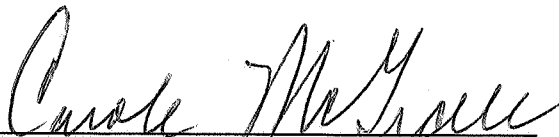
by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 110 West A Street, Suite 1100, P.O. Box 85266, San Diego, CA 92186-5266, addressed as follows:

Robbye Ray Anderson
F-39592
California Rehabilitation Center
P.O. Box 3535
Norco, CA 92860
Pro Se

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on September 8, 2008, at San Diego, California.

Carole McGraw

Declarant



Signature